

Brightening the Covenant Chain

Shining a light on the power of Indigenous diplomacy



- The [Treated Spaces Research Group](#) at the University of Birmingham, UK, is spotlighting the importance of Indigenous diplomacy.
- Their project, *Brightening the Covenant Chain*, is revealing the historic roots of contemporary Indigenous rights.
- Through publications, digital tools, and events, the group is reshaping public understanding of Indigenous treaties and exposing complex histories of diplomacy between the Haudenosaunee (known as the Iroquois) and the British Crown.
- These treaties showcase a history of sacred covenants that predate European frameworks and that remain vitally significant today.

There is a concerted effort in various Western countries, notably the United States, Canada, Finland, Australia, and New Zealand, for governments to better recognise the voices and rights of Indigenous peoples. While these geographically separate peoples have diverse and contrasting histories, their historical experiences have common themes, including colonisation, dispossession, and systemic disadvantage. A group of researchers based at the University of Birmingham in the UK is fostering new perspectives that hold promise to strengthen future intercultural relations that recognise deep histories of Indigenous diplomacy.

The Treated Spaces Research Group is a collaborative team led by Joy Porter, 125th Anniversary Professor of Indigenous & Environmental History, and Charles Prior, Professor in History. The group works across disciplines, sectors, and international contexts to make treaties and environmental concerns central to education, policy, and public understanding.

One of its current projects is *Brightening the Covenant Chain* (BTCC, Arts & Humanities Research Council, AH/T006099/1). It focuses on historical North America but has globally significant implications. It explores cultures of diplomacy between the British Crown and the Haudenosaunee, also known as the Iroquois Confederacy – a historically dominant and influential group of Indigenous peoples in Northeastern America, consisting of Six Nations: the Mohawk, Oneida, Onondaga, Cayuga, Seneca, and Tuscarora.

The project analyses one of the oldest diplomatic relationships in the world, the relationship between the British Crown and the Indigenous peoples of Canada and North America. This established a

fundamental kinship relationship between the Haudenosaunee and the British Royal Family, one that continues to be 'brightened' or renewed in diplomatic terms today.

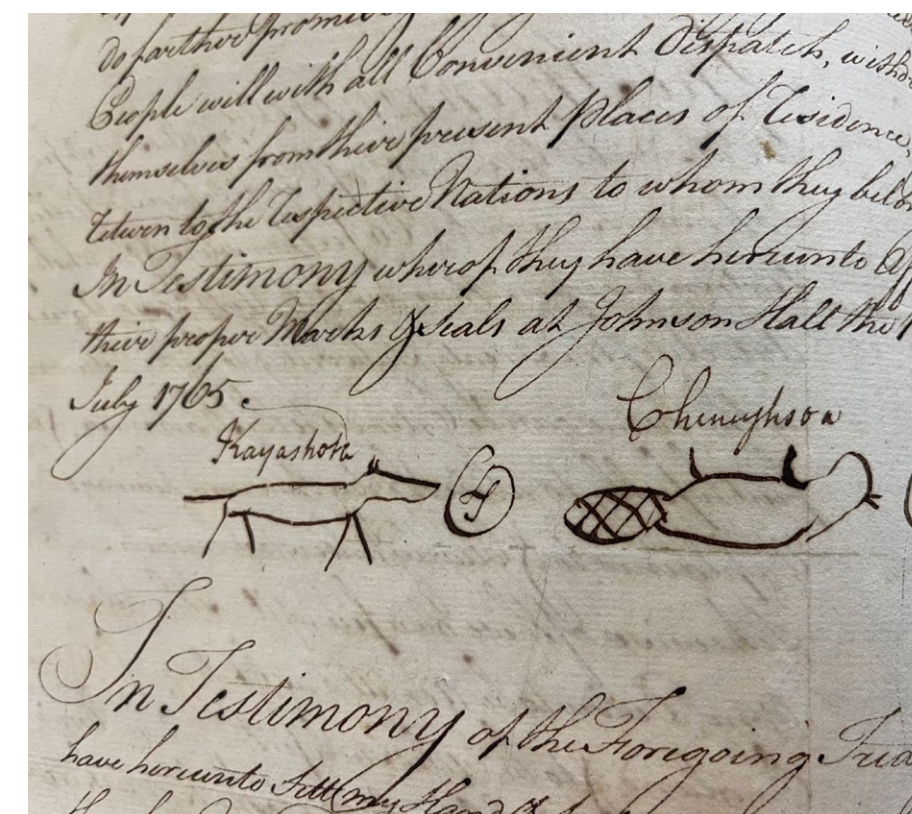
Telling a different story

Any casual study of the intercultural relationships between the Indigenous peoples of North America and British settlers is

invariably drawn to differences that resulted in disputes and violence. However, on closer examination, the interaction also involved the exchange of ideas and the forging of alliances, which required diplomacy and respect for differing traditions concerning the nature of treaties, rights to movement, use of resources, and the nature of borders. Through the BTCC project, the Treated Spaces Research Group is unveiling a rich, multi-layered picture of the social and cultural interplay between the Haudenosaunee and their European neighbours. This picture tells a different story from the more usual narrative in which Indigenous peoples lack agency or diplomatic power.

One of the BTCC resource outputs captures this perspective – an [interactive map](#) developed in conjunction with King's College Digital Lab. It draws on a bespoke database built from thousands of geo-rectified data points collected from British Library historical maps to reveal how the political and intercultural landscape of the American Northeast changed over 230 years. The result is a dynamic representation of Haudenosaunee nations and settlers negotiating and re-negotiating access to space and resources. Homelands, peoples, and pathways intersect, with Indigenous peoples

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Haudenosaunee Treaty Marks signifying clan agreement to promises made at an intercultural conference at Johnson Hall, New York, 1765. Courtesy of the National Archives, U.K; CO323/23Pt1. Folio 59V.



Indigenous treaties struck with the Crown are sacred covenants that retain their power to direct how finite resources should be shared today.



A specially created Gasweh:da or friendship belt, made for the BTCC project and produced in the spirit of once again 'brightening' the Covenant Chain relationship between the Haudenosaunee and the British Crown.

playing a determinant role that required settlers to co-create common worlds through diplomacy. This diplomacy was carried out via Haudenosaunee customs and practices that respected balance, reciprocity, kinship, and oral tradition at every level.

Another BTCC set of resources digitally showcases the living tradition of Haudenosaunee diplomacy, honouring the knowledge and wisdom of Faithkeeper of the Lower Cayuga Longhouse Haohyoh / Ken Maracle (Six Nations of the Grand River, Ontario), Thanyehténhas / Nathan Brinklow (Turtle Clan, Tyendinaga Mohawks of the Bay of Quinte), and Sakokwenionkwas (Tom Porter, Turtle Clan, The Mohawk Community of Ahkwesáhsne).

Voices at the Edge of the Woods is a series of soundscapes that, through ritual greetings and speeches, recreates Haudenosaunee Council oratory used in 18th-century diplomatic transactions with the British Crown. They embody, in the Mohawk language, the 'words that come before all else' – the greetings and spiritual welcoming of the opposite delegation,

and the symbolic cleansing of their bodies in preparation for diplomatically successful exchange around the council fire. Such profound occasions underpinned successive Crown-Indigenous treaties and are evidence of how Indigenous oral cultural traditions met and transformed European traditions rooted in written records.

A further BTCC resource is a [film](#) describing how one of the key tools of Haudenosaunee diplomacy is made – a wampum belt. Wampum belts are living embodiments of the promises made and inter-generational kinship relationships established within treaties.

Living, sacred covenants, and treaties

According to Porter, treaties are not merely historical documents or legal agreements but are foundational diplomatic artefacts that continue to shape relationships between Indigenous peoples and settler societies. For Indigenous peoples including the Haudenosaunee, 'treaties' are 'living' documents – process-orientated, requiring renewal, related to sacred dimensions,

drawing upon centuries of tradition around alliances and trade practiced long before contact with Europeans.

Up until the 18th century in North America, the Haudenosaunee were diplomatically, militarily, and culturally dominant. Other cultures wishing to trade, or settle on their lands, had little option but to engage with their treaty traditions. Treaties were and remain a unique intercultural focus for shared understanding. They permitted agreements over control of land and resources, and required of British leadership that they learn and engage with Haudenosaunee internal governance, including their legal and cultural norms and spiritual practices.

According to Porter, Indigenous treaties struck with the Crown are sacred covenants that retain their power to direct how finite resources should be shared today. She points to the Treaty of Niagara in 1764, a political crossroads at the creation of Canada as a nation-state that enshrined Indigenous sovereignty. Although not currently recognised by the Government of Canada because it was recorded via Indigenous wampum, the Niagara alliance with the English led to intercultural acceptance of the Royal Proclamation of 1763. This committed the Crown to protect 'Indian Country' and regulate trade. It also extended a long-held British-Haudenosaunee Covenant Chain Alliance treaty relationship that originated in the early 17th century.

Porter calls for a return to the intercultural respect for Indigenous sovereignty and Indigenous governance that was enshrined in the Treaty of Niagara of 1764 and Royal Proclamation of 1763.

Treaties, she argues, enabled diverse cultures to establish shared norms and languages and facilitated an 'overlapping consensus'. Honouring them remains a platform for how small nations can continue to grow in the 21st century and for how large settler nations can develop multicultural statehood.

Historical treaties, contemporary challenges

The work of the Treated Spaces Research Group emphasises the centrality of treaties in Indigenous-settler relations, advocating for a renewed focus on Indigenous diplomacy, law, and cultural practices to advance understanding of the challenges being addressed by Indigenous communities. Through their ongoing research programmes of publication, digital storytelling, museum exhibitions, artist's residencies, and timely interventions in relation to the power relations between Indigenous actors and the world's most pressing environmental challenges, the group is fostering deeper appreciation of Indigenous agency across time and into the future.

Personal response

Based on the group's research, what future directions do you suggest for policy-making or legal frameworks to address and rectify historical injustices faced by Indigenous peoples?

Professor Joy Porter: The movement for change is a collective and global one, where many diverse groups of Indigenous and non-Indigenous researchers, activists, communities, and leaders are working to advance understanding and respect for Indigenous sovereignty and lifeways. Some of the most encouraging recent developments are in the legal arena.

Our group's research has had a positive impact on contemporary legal cases in Canada through providing historical testimony that has helped courts formulate new decisions. Our excavation of evidence of Indigenous collective sovereign abilities to articulate legal doctrine, wage war, and negotiate peace via treaties in the past is being used to affect contemporary struggles to assert Indigenous sovereignty within North American state and constitutional law. These struggles are dynamic, hotly contested, and are at the intersection of legal, historical, and political analysis.

One example where Treated Spaces legal testimony made a difference was the breakthrough ruling handed down in court in Quebec, Canada in November 2023. The *R. c. White et Montour* decision arguably reset Canadian Aboriginal rights because it displaced a 1996 Supreme Court of Canada decision (*R. V. Van der Peet*, 2 S.C.R.507) that described such rights narrowly as territory-based in a constitutional law context. In contrast, in *R. c. White et Montour*, Justice Sophie Bourque ruled that a three-stage test should apply in future to allow Aboriginal defendants to invoke *collective* rights, protected by *their own* traditional legal system.

The original dispute was over alleged tax evasion linked to the importation of tobacco from the United States by two Mohawks. The Judge ruled that the accused had the right to freely trade tobacco because of their own Indigenous legal systems (the Mohawk being one of Six Nations within the Haudenosaunee Confederacy). She was persuaded by arguments and testimony that argued that they held such rights as a result of ten Treaties negotiated between 1664 and 1760 which constituted a Covenant Chain, or 'oral meta-treaty', evolved via councils between the Haudenosaunee and the British Crown.

In handing down her ruling, Justice Bourque referenced the historical record, which clearly shows that the British 'conveyed their intention to establish mutually binding obligations with the Haudenosaunee.' She found that the Covenant Chain was a non-extinct Treaty (s.35(1)). The Crown, therefore, should have first consulted with the Haudenosaunee before imposing taxes on tobacco trade.

Perhaps inevitably, the decision to which we contributed is being appealed, but it is nevertheless likely to have profound

implications for how the relationship between Canada's Aboriginal peoples and the Crown is understood. Crucially, the Court acknowledged that the Treaty relationship invoked was largely unwritten. It also accepted oral history, as well as associated written records, in making its determination. Since oral culture is central to Indigenous practices, this is vitally important, as it develops awareness and expands understanding of Indigenous jurisprudence and legal norms.

Your work highlights Indigenous peoples' agency in treaty-making processes. How do you see this agency transforming or influencing contemporary movements for Indigenous rights and sovereignty?

Professor Joy Porter: Indigenous peoples continue to work to exercise interpretative sovereignty in relation to the treaties of the past that have not been upheld, and the treaties and agreements being formulated today that will impact their lives, those of their descendants, and the lands and resources upon which they depend.

One globally significant area where Treated Spaces is working to help advance positive change is in relation to the challenge of protecting the sovereignty of Indigenous Traditional Knowledge and Intellectual Property within international law. The World Intellectual Property Organisation defines Indigenous 'traditional knowledge' as knowledge from intellectual activity in a traditional context – that is, know-how, skills, innovations, practices, and learning passed between generations. All of this is under threat as the Fourth Industrial Revolution unfolds and AI, along with other technologies, makes the reproduction, intellectual theft, and monetisation of unique Indigenous knowledge easier to achieve. A further concern is 'biopiracy' – the misappropriation of genetic resources and their associated traditional knowledge.

The challenge is how to find a way to develop the patent system so that it allows scientists, businesses, and public sector research institutions to realise the massive benefits linked to their research, whilst at the same time protecting the interests of biodiversity-rich countries and Indigenous and local communities. Finding an answer to that question is central to what life on Earth will become in the 21st century.

Treated Spaces is [engaging with a range of actors](#) in this area who are bringing together Indigenous and non-Indigenous voices to help generate a step-change in approach, including Harvard Law School, IP Australia, and the World Intellectual Property Organisation (WIPO) who will host the May 2024 Diplomatic Conference to Conclude an International Legal Instrument Relating to Intellectual Property, Genetic Resources and Traditional Knowledge Associated with Genetic Resources.

Treated Spaces is committed to using its Indigenous and non-Indigenous collaborative capabilities to foster consensus and negotiation that leads to reciprocally beneficial and consequential outcomes.

Details



Professor Joy Porter



Professor Charles Prior

e: j.porter.6@bham.ac.uk
w: treatedspaces.com
x: @treatedspaces
www.linkedin.com/in/profjoyporter
www.youtube.com/watch?v=Fyi6TzkkVvQ
www.youtube.com/channel/UCVnaA5DPUYMmn1OuBvmTbwA

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Collaborators

- American Museum & Gardens, Bath, UK
- Eccles Centre for American Studies
- Georgian Papers Programme
- Johnson Hall Historic Site
- King's Digital Lab
- Native Northeast Research Collaborative
- NONAM North American Native Museum
- Haohyoh (Ken Maracle)
- Dr Celeste Pedri-Spade
- Dr Hein Schoer
- Sakokwenionkwas (Tom Porter)
- Thanyehténhas (Nathan Brinklow)

Bio

- Project Lead: **Joy Porter**, 125th Anniversary Professor of Indigenous & Environmental History (Treated Spaces Research Group, University of Birmingham)
- Co-Leads: Professor **Charles Prior** (Treated Spaces Research Group, University of Birmingham); Professor **Pekka Hämmäläinen** (University of Oxford), Professor **Mark Walters** (Queen's University, Canada) and Professor **Dale Turner** (Anishinaabe, University of Toronto)
- Postdoctoral Research Assistant (Digital): **Dr Matthias Wong**
- Postdoctoral Research Assistant (Archival): **Dr Laura Gillespie**
- Project Administrator: **Rachel Dickens**

Further reading

- Porter, J, (2021) [Treated Space: North American Indigenous Treaties in a Global Context](#). In: McGrath, A, Russell, L, (eds) *The Routledge Companion to Global Indigenous History*, Taylor & Francis, 259–278.
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